UNITED STATES INTERNATIONAL TRADE COMMISSION Washington D.C. 20436

	_)	
In the Matter of)	
)	
CERTAIN SORTATION SYSTEMS,)	
PARTS THEREOF, AND)	Inv. No. 337-TA-460
PRODUCTS CONTAINING SAME)	
)	

NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO TWELVE PATENT CLAIMS

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") terminating the above-captioned investigation as to claims 2, 3, 8, 9, 18, 24, 36, 37, 39, 46, 47, and 49 of U.S. Letters Patent 5,127,510.

FOR FURTHER INFORMATION CONTACT: Michael K. Haldenstein, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3041. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (http://www.usitc.gov). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at http://dockets.usitc.gov/eol/public. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 25, 2001, based on a complaint filed on behalf of Rapistan Systems Advertising Corp. and Siemens Dematic Corp., both of Grand Rapids, Michigan (collectively complainants). 66 *Fed. Reg.* 38741 (2001). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930 in

the importation, sale for importation, and sale within the United States after importation of certain sortation systems, parts thereof, and products containing same that infringe certain claims of U.S. Letters Patent 5,127,510 ("the '510 patent"). *Id.* The Commission named as respondents Vanderlande Industries Nederland BV of the Netherlands, and Vanderlande Industries Inc. of Atlanta, Georgia. *Id.*

On April 5, 2002, complainants moved pursuant to Commission rules 210.15 and 210.21(a) to terminate the investigation in part as to all allegations relating to claims 2, 3, 8, 9, 18, 24, 36, 37, 39, 46, 47, and 49 of the '510 patent, based on the withdrawal of the allegations. Complainants indicated that they had consulted with respondents and the Commission investigative attorney, and both indicated that they did not oppose the motion to terminate the investigation with respect to the above-referenced claims.

On May 16, 2002, the ALJ issued an ID (Order No. 32) terminating the investigation with respect to the 12 above-referenced claims of the '510 patent. No party petitioned for review of the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott Secretary to the Commission

Issued: December 4, 2002